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Richard J. Popillo

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EXAMINER

CHOI, PETER H

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/036,801

Applicant(s)

POPILLO ET AL.

Examiner

Peter Choi

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. The following is a **FINAL** office action upon examination of application number 10/036801. Claims 1-17 are pending in the application and have been examined on the merits discussed below.

#### ***Response to Amendment***

2. Claims 1, 3, 11, and 16 have been amended.
3. The Applicant's response to the 37 CFR 1.105 Requirement for Information, initially raised in the Office Action mailed February 1, 2006, is acknowledged.

#### ***Response to Arguments***

4. Applicant's arguments filed June 23, 2006 have been fully considered but they are not persuasive.

Applicant argues that Cross does not teach building an inventory of touchpoints comprising instances of exchange of information between elements within the organization.

The Examiner respectfully disagrees. Cross is directed towards mapping the activities performed in a loan approval process [Paragraph 13], such as documenting the different departments (within the organization) that come in contact for a file [Paragraph 14], identifying points of customer contact (i.e., instances of exchange of information between the organization and its customers) [Paragraph 18], identifying cross-functional handoffs (within the mortgage processing process of the organization) [Paragraph 20], identifying the number of file copies made during the process (within the organization) [Paragraph 25]. The Examiner asserts that the process map is developed based on known (i.e., an inventory of) touchpoints.

Applicant argues that Cross does not teach identification of projects based upon the inventory of touchpoints, or cataloging each instance of an exchange of information between elements within the organization. Similarly, Applicant argues that Cross does not contemplate the possibility of an inventory of instances of exchanges of information within the organization and examination of these instances to identify opportunities for improvement.

The Examiner respectfully disagrees. Cross is directed towards process redesign, which in itself is a project. Cross teaches that, after an analysis of the existing mortgage process (which includes the touchpoints mapped by Cross, as explained above), the next steps of the redesign process are the identification of appropriate best practices to incorporate into the production process, and an analysis of where the

current process falls short of meeting customer needs, with the goal of identifying improvement opportunities in order to evaluate which will provide the most impact to the organization, and develop a holistic operating model that addresses the unique people, process, technology and structural requirements of an organization [Paragraph 7]. Thus, the Examiner asserts that the improvement opportunities (i.e., projects) are based on the identified touchpoints of the organization.

Applicant argues that Kettinger does not teach or make obvious the creation of an inventory of touchpoints including exchanges of information within an organization and identification of projects based on the inventory of touchpoints.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner points out that the Kettinger reference was not relied upon to teach the steps of creating an inventory of touchpoints, or identifying projects based on said touchpoint inventory.

In the previous Office Action mailed February 1, 2006, notice was taken by the Examiner that certain subject matter is old and well known in the art. Per MPEP 2144.03(c), these statements are taken as admitted prior art because no traversal of

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this statement was made in the subsequent response. Specifically, it has been taken as prior art that:

- The concept of customer segmentation is old and well known in the art
- The concept of a network of computer terminals connected to a central server computer that transmits web pages is old and well established in the art
- The use of databases to store data is old and well established in the art
- The concept of presenting data to users through the Internet in the form of web pages is old and well established in the art
- The concept of mapping processes (identifying and cataloguing processes) with the invention of redesigning/reengineering/eliminating processes that are inefficient, fail to meet performance standards (such as customer satisfaction), or are important/unimportant is old and well known in the art as business process reengineering
- The practice of presenting raw data, project-specific summary data, and overall data in distinct/separate sections is old and well known in the art
- It is old and well known in the Internet arts that hyperlinks are used to connect web pages

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rob Cross and Kai Monahan's "Redesigning the Process" (reference 1-X; hereafter referred to as Cross et al.).

As per claim 1, Cross et al. teaches a method for increasing productivity of a business organization and customer satisfaction, comprising:

(a) identifying and making an inventory of touchpoints comprising instances of exchange of information between the organization and customers of the organization, and instances of exchange of information within the organization (**identify points of customer contact; mapping of the activities performed in a loan approval process**) [Paragraphs 13, 18];

(b) identifying projects (**identify improvement opportunities and evaluate which will provide the most impact to the organization**), based upon the inventory of touchpoints **{after an analysis of the existing mortgage process, which includes the mapping of the process and the touchpoints existing within the process, the next steps of the redesign process are the identification of appropriate best practices to incorporate into the production process, and an analysis of where the current process falls short of meeting customer needs, with the goal of identifying improvement opportunities in order to evaluate which will provide the most impact to the organization, and develop a holistic operating model that**

**addresses the unique people, process, technology and structural requirements of an organization}** [Paragraph 6];

(c) validating and prioritizing projects based on an analysis of customers' critical requirements and overall financial impact on the business organization **(identify improvement opportunities and evaluate which will provide the most impact to the organization; identifying appropriate solutions to close the gap between current and targeted operating levels)** [Paragraphs 6, 26];

(d) executing the prioritized projects **(actively redesign core production processes and organizational infrastructures to boost efficiency and customer satisfaction)** [Paragraph 2]; and

(e) measuring increases in productivity and customer satisfaction **(individual solutions then should be integrated into a holistic operating model of people, process, technology, and structural recommendations, which must be tested under different volume and customer requirement assumptions to ensure that the new process accommodates the distinct needs of customers, regulators and employees)** [Paragraph 44].

As per claim 2, Cross et al. teaches the method of claim 1, further including:

(f) designating an employee to be a core process owner **(targeted focus groups of 6 to 10 employees)**, who is accountable for steps (a) through (e) [Paragraph 13].



***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-7 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross et al.

As per claim 6, Cross et al. teaches the method of claim 1, wherein step (c) further comprises:

(b) constructing a business model and a set of business goals (**establish shared operating targets; organizational attributes serve as guides for project team members as they gather data and develop solutions, while performance measures define the standards by which the redesigned process will be evaluated; reach agreement on the high-priority customer service and profitability attributes that will define organizational success**) [Paragraphs 6, 8, 10]; and

(c) identifying customer needs that are critical to quality (**analysis of the existing mortgage process and the customer values it aims to satisfy; reach agreement on a set of performance measures that support the attributes that define organizational success**) [Paragraphs 6, 10].

Although Cross et al. does not explicitly teach (a) segmenting a customer base according to modes of distribution, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the concept of customer segmentation is old and well known in the art. Dividing a customer base into groups of individuals that are similar in specific ways allows companies to target groups effectively and allocate resources to best effect. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to segment a customer base according to modes of distribution because the resulting combination will allow companies to decide what data to collect, how to analyze said collected data, and implement customized solutions in order to effectively meet the needs of customers, thereby increasing customer satisfaction, and efficiency.

As per claim 7, Cross et al. teaches the method of claim 6, wherein step (c) further comprises:

validating identified projects against the identified customer needs that are critical to quality (**analysis of where the current process falls short of meeting customer needs; realigning responsibilities to better suit the demand of customers**)  
[Paragraphs 6, 31].

As per claim 16, Cross et al. does not explicitly teach a system for increasing business productivity and customer satisfaction; comprising:

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- (a) a server computer;
- (b) a network of terminals connected to the server, the server computer transmitting web pages to the terminal for the terminals for providing outputs to, and receiving inputs from, the terminals;
- (c) an electronic database, accessible by the main server computer, containing data relating to projects that have been identified by identifying and cataloguing touchpoints comprising instances of exchange of information between the organization and customers of the organization, and instances of exchange of information within the organization, and that have also validated against customer needs that are critical to quality;
- (d) the data in the database being presented at each terminal in web pages having varying levels of detail.

Cross et al. does not explicitly teach the step of storing data relating to projects that have been identified by identifying and cataloguing touchpoints and also validated against customer needs that are critical to quality. However, Cross et al. teaches the step of identifying and making an inventory of touchpoints **(identify points of customer contact; mapping of the activities performed in a loan approval process)** [Paragraphs 13, 18], identifying projects upon the inventory of touchpoints **(identify improvement opportunities and evaluate which will provide the most impact to the organization)**, based upon the inventory of touchpoints **{after an analysis of the existing mortgage process, which includes the mapping of the process and the**

**touchpoints existing within the process, the next steps of the redesign process are the identification of appropriate best practices to incorporate into the production process, and an analysis of where the current process falls short of meeting customer needs, with the goal of identifying improvement opportunities in order to evaluate which will provide the most impact to the organization, and develop a holistic operating model that addresses the unique people, process, technology and structural requirements of an organization}** [Paragraph 6], and validating and prioritizing projects based on an analysis of customers' critical requirements and overall financial impact on the business organization (**identify improvement opportunities and evaluate which will provide the most impact to the organization; identifying appropriate solutions to close the gap between current and targeted operating levels**) [Paragraphs 6, 26]. Further, this is a product-by-process claim limitation. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the concept of a network of computer terminals connected to a central server computer that transmits web pages is old and well

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established in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to include a server computer that transmits web pages to a network of terminals via the Internet because the resulting combination would take advantage of the fact that Internet technology is easily available and low-cost and automates manually processes, reducing the amount of organizational resources needed to implement Business Process Re-engineering (data entry, data analysis, data storage and archival, etc.), and enables organizations to create easily accessible communication networks that can be accessed from all across the globe.

It has also been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the use of databases to store data is old and well established in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to include databases because the resulting combination would enable organizations to maintain historical records of information, data and forms, while also providing a central repository of such information can that be remotely accessed.

It has also been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the concept of presenting data to users through the Internet in the form of web pages is old and well established in the art. It is inherent that data presented on different web pages have varying levels of detail. Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Cross et

al. to present data to users in the form of web pages over the Internet, because the resulting combination would provide (remote) access to simplified, summarized visualizations of data to users otherwise incapable of interpreting the raw data.

Cross et al. does not expressly teach the type of data stored in the database, or the level of detail of data presented to users, as recited in claim 16. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the type of data stored in the database or the level of detail of data presented to users. Further, the structural elements remain the same regardless of the type of data stored in the database or the level of detail of data presented to users. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106.

The concept of mapping processes (identifying and cataloguing processes) with the intention of redesigning/reengineering/eliminating processes that are inefficient, fail to meet performance standards (such as customer satisfaction), or are important/unimportant is old and well known in the art (Business Process Reengineering); furthermore, it was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the

same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Computers, electronic databases, and computer networks are means of automating manual processes, and thus do not render the claim patentable.

Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

As per claim 17, Cross et al. does not explicitly teach the system of claim 16, wherein data is presented as a series of drilldown screens, including:

- (a) a core processes screen, listing identified core processes;
- (b) an individual core process screen, accessible from the core processes screen, listing projects that have been identified for an individual core process; and
- (c) a project screen, accessible from the individual core process screen, displaying data relating to an individual project.

However, it has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that the practice of presenting raw data, project-specific summary data, and overall data in distinct/separate sections is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time

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of invention to modify the teachings of Cross et al. to present raw data, project-specific summary data, and overall data in distinct/separate sections because the resulting combination would provide users with simplified, summarized visualizations of data to users, and enable users to dictate the level of details they wish to see (overall summary, project/process-specific summary, project/process-specific raw data).

It has been admitted as prior art, as a result of improperly and/or untimely challenged Official Notice, that it is old and well known in the Internet arts that hyperlinks are used to connect web pages. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to link web pages together because the resulting combination would present data in a natural progression, as any two pages of information can be linked into a "trail" of related information, enabling the user to scroll between pages.

Cross et al. does not expressly teach the specific data recited in claims 17. However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the means of presentation. Further, the structural elements remain the same regardless of the means of presentation. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d



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1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP, 2106.

It was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Computers, electronic databases, and computer networks are means of automating manual processes, and thus do not render the claim patentable.

Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

9. Claims 3-5, and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cross et al. as applied to claim 1 above, and further in view of William Kettinger, James Teng, and Subashish Guha's "Business Process Change: A study of Methodologies, Techniques, and Tools" (hereafter referred to as Kettinger et al.).

As per claim 3, Cross et al. teaches the method of claim 1, wherein step (a) further comprises:

(a) entering identified touchpoints into a table **(mapping of the activities performed in a loan approval process; develop a baseline process map that shows how things are currently being done)** [Paragraphs 13, 17]

Although Cross et al. does not explicitly teach the step of (b) listing modes of communication used to effect each identified touchpoint, Kettinger et al. teaches a “Diagnose” stage that documents the current process and sub-processes in terms of process attributes such as activities, resources, communication, roles, IT and cost [Paragraphs 14, 36].

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to list the modes of communication used to effect each touchpoint, because the resulting combination would enable a company to identify non-value-adding activities and causes of problems, which further identify areas for improvement (by redesign, or developing new processes), and evaluate the improvement opportunity that will provide the most impact to the organization, which is a goal of Cross et al. [Paragraph 6].

As per claim 4, Cross et al. teaches the method of claim 3, wherein step (b) further comprises:

(b) identifying projects that eliminate touchpoints (**redesign roles to reduce handoffs; streamline the process**) [Paragraph 30].

Although not explicitly taught by Cross et al., Kettinger et al. teaches a "Diagnose" stage that analyzes the inventory of touchpoints and the modes of communications used to effect each touchpoint (**documents the current process and sub-processes in terms of process attributes such as activities, resources, communication, roles, IT and cost**) [Paragraphs 14, 36].

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to analyze the modes of communication used to effect each touchpoint, because the resulting combination would enable a company to identify non-value-adding activities and causes of problems, which further identify areas for improvement (by redesign, or developing new processes).

As per claim 5, Cross et al. teaches the method of claim 3, wherein step (b) further comprises:

(c) identifying projects that convert non-web-enabled touchpoints into web-enabled touchpoints (**consider maintaining electronic files to reduce the hard-dollar expense of photocopying as well as the soft-dollar expense of time spent**

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**maintaining copies of files throughout the process; deciding whether the use of artificial intelligence {such as automated systems for evaluation} could accelerate the process and make decision-making easier; use of workflow management tools (laptops) to improve production process; using electronic data transmission to edit and transmit data or documents between remote locations; monitoring turnaround time; eliminate documentation errors and need for hard-copy files)** [Paragraphs 25, 35, 36, 41]

As per:

- (a) analyzing the inventory of touchpoints and the modes of communications used to effect each touchpoint [see analysis of claim 4(a) above] and
- (b) classifying touchpoints as web-enabled and non-web-enabled.

Although not explicitly taught by Cross et al., Kettinger et al. teaches a “Diagnose” stage that analyzes the inventory of touchpoints and the modes of communications used to effect each touchpoint **(documents the current process and sub-processes in terms of process attributes such as activities, resources, communication, roles, IT and cost)** [Paragraphs 14, 36]. The documentation of processes and sub-processes in terms of IT would classify said processes and sub-processes as being web-enabled or non-web-enabled, meeting the limitation of the claim.

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to analyze the modes of communication used to effect each touchpoint, because the resulting combination would enable a company to identify non-value-adding activities and causes of problems, which further identify areas for improvement (by redesign, or developing new processes), and evaluate the improvement opportunity that will provide the most impact to the organization, which is a goal of Cross et al. [Paragraph 6].

As per claim 8, although not explicitly taught by Cross et al., Kettinger et al. teaches the method of claim 6, wherein step (c) further comprises:

(a) developing a list of top level indicators (**critical success factors; a set of 11 contingency factors in project planning**) based upon identified customer needs that are critical to quality [Paragraphs 26, 38, Figure 4];

(b) assigning weights to each top level indicator (**for each factor, a score between 1 and 5 may be assigned; each factor may be weighted equally, or unequal weights may be used**) [Paragraphs 38, 39, Figure 4];

(c) for each identified project, determining a numerical quantity indicating the relationship strength between the identified project and each top level indicator (**processes that are essential are marked by the letter E, and desirable processes are marked by the letter D; assign a value of 2 to "E" and a value of 1 to "D"**) [Paragraph 26]; and

(d) using the assigned weights and the relationship strengths to calculate a score for each identified project **(resulting row totals reflect the overall strategic relevance of the process to the various critical success factors, with highest row totals receiving top priority in project selection; Process Change Strategy = (Avg. Score of Contingency Factors + Risk Propensity)/2)** [Paragraph 26, Figure 4].

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to develop lists of top level indicators and assign weights to said indicators for quantifying the relationship strength between projects and indicators, because the resulting invention would enable a company to identify non-value-adding activities and prioritize projects/processes, which further identify areas for improvement (by redesign, or developing new processes), and evaluate the improvement opportunity that will provide the most impact to the organization, which is a goal of Cross et al. [Paragraph 6].

Claim 14 recites similar limitations; therefore, the same rejection applies.

As per claim 9, although not explicitly taught by Cross et al., Kettinger et al. teaches the method of claim 6, wherein step (c) further comprises:

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placing each identified project into a high priority matrix (**process prioritization matrix**) to maximize return on effort (**lead to the final selection of a process to be reengineered**) [Paragraph 26].

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to place projects into a high priority matrix, because the resulting combination would provide a concise, visual tool that would enable a company to focus attention on areas/projects where improvement efforts can be most productive, thereby enabling an evaluation of the improvement opportunities that will provide the most impact to the organization, which is a goal of Cross et al. [Paragraph 6].

Claim 15 recites similar limitations; therefore, the same rejection applies.

As per claim 10, although not explicitly taught by Cross et al., Kettinger et al. teaches the method of claim 6, wherein step (c) further comprises:

ranking the identified projects in order of priority (**processes that are essential are marked by the letter E, and desirable processes are marked by the letter D; assign a value of 2 to "E" and a value of 1 to "D"**) [Paragraph 26].

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to rank projects in order of priority, because the resulting combination would provide enable a company to focus attention on areas/projects where improvement efforts can be most productive, and evaluate the improvement opportunity that will provide the most impact to the organization, which is a goal of Cross et al. [Paragraph 6].

As per claim 11, Cross et al. teaches a method for increasing productivity of a business organization and customer satisfaction, comprising:

(b) designating employees of the business organization to be core process owners, who are accountable for increasing business productivity and customer satisfaction [see analysis of claim 2 above];

(c) identifying and making an inventory of touchpoints [see analysis of claim 1(a) above];

(d) identifying projects, based upon the inventory of touchpoints, to increase business productivity and customer satisfaction by eliminating or redesigning identified touchpoints [see analysis of claim 1(b) above];

(e) validating and prioritizing projects based upon an analysis of customers' critical requirements and overall financial impact on the business organization [see analysis of claim 1(c) above];



- (f) rigorously executing the prioritized projects [see analysis of claim 1(d) above]; and
- (g) measuring increases of productivity and customer satisfaction [see analysis of claim 1(e) above].

Although not explicitly taught by Cross et al., Kettinger et al. teaches (a) the step of identifying core processes of the business organization (**Core Process Analysis**) [Table 3].

Both Cross et al. and Kettinger et al. are directed towards the art of redesigning business processes; therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of Cross et al. to identify core processes of the business organization, because the resulting combination would enable a company to identify areas/projects that are inefficient, ineffective, are candidates for redesign/elimination, and where improvement efforts can be most productive, and evaluate the improvement opportunity that will provide the most impact to the organization, which is a goal of Cross et al. [Paragraph 6].

As per claim 12, Cross et al. teaches the method of claim 11, wherein step (c) further comprises:

- (a) entering identified touchpoints into a table [see analysis of claim 3(a) above];

- (b) listing modes of communication used to effect each touchpoint [see analysis of claim 3(b) above]; and
- (c) classifying each touchpoint as web-enabled touchpoints into web-enabled touchpoints [see analysis of claim 5(b) above].

As per claim 13, Cross et al. teaches the method of claim 12, wherein step (d) further comprises:

identifying projects that converts non-web-enabled touchpoints to web-calculated touchpoints [see analysis of claim 5(c) above].

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Choi whose telephone number is (571) 272 6971. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PC

December 6, 2006

  
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